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May 8, 2020

The Honorable Laurie Selber Silverstein  
United States Bankruptcy Court for the District of Delaware  
824 N. Market St., 6th Floor  
Wilmington, DE 19801

**Re: In re SureFunding, LLC (Case No. 20-10953 (LSS))**

To the Honorable Laurie Selber Silverstein:

I am proposed counsel to the Debtor in the above-referenced case. I write to you this morning about the May 7, 2020 deposition of Mr. Neal Falkenberry in connection with the Motion of the Noteholders (the "Movants") to Dismiss the Debtor's Chapter 11 case and their Motion to Excuse Compliance with 11 U.S.C. § 543 (together, the "Motions"). Mr. Falkenberry submitted a declaration in support of the Motions. The Movants also have identified Mr. Falkenberry as one of their witnesses at the May 12, 2020 hearing on the Motions.

The Debtor's notice of deposition to Mr. Falkenberry provided that the deposition would take place on May 7, 2020 at 2:00 p.m. ET by videoconference and "shall continue if needed until completion the following day, subject to the time limitations set forth in the Federal Rules of Civil Procedure." Under Federal Rule of Civil Procedures 30(d)(1), a deposition may run seven hours unless otherwise stipulated to by the parties or ordered by the Court.

Yesterday, the Debtor began its deposition of Mr. Falkenberry. The deposition lasted approximately five and a half hours, and broke for the day when the court reporter advised the parties that she had to complete her day's work. Mr. Falkenberry indicated that he would be available this morning at 7:30 a.m. ET to continue his deposition. My partner Michael Sweet agreed to this scheduling even though that would mean starting at his local time of 4:30 a.m. PT.

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Counsel for the Movants, however, announced that the Movants would refuse to produce Mr. Falkenberry to complete his deposition unless this Court ordered them to produce him. Therefore, unfortunately, we are left little choice other than to request this Court's intercession to compel the Movants to produce Mr. Falkenberry to complete his deposition. Alternatively, the Debtor requests that the movants be prohibited at the May 12, 2020 hearing from (i) introducing Mr. Falkenberry's declaration into evidence and (ii) having him testify.

Should the Court wish to speak with the parties, the Debtor is available at any time the Court directs.

Very truly yours,

/s/ Thomas M. Horan  
Thomas M. Horan

TMH:

cc: Mr. Stanley Tarr  
Ms. Victoria Guilfoyle  
Mr. William Dorsey  
Mr. Timothy Fox  
Mr. Scott Cousins